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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,625	01/17/2001	Don F. Kesterson	067647.0117	8122
<div><div>7590</div><div>06/05/2007</div><div>Barton E. Showalter, Esq. Baker Botts L.L.P. 2001 Ross Avenue Dallas, TX 75201-2980</div></div>				
			<div>EXAMINER</div> <div>SINGH, RAMNANDAN P</div>	
			<div>ART UNIT</div> <div>2614</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>06/05/2007</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<div style="border: 1px solid black; width: 150px; height: 20px; margin-bottom: 5px;"></div> Office Action Summary	Application No. 09/764,625	Applicant(s) KESTERSON ET AL.	
	Examiner Ramnandan Singh	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9,11-15,17-19,21,22,24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9,11-15,17-19,21,22,24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Rejection</u> . |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on March 05, with respect to the rejection(s) of claim(s) 1, 3-9, 11-15, 17-19, 21, 22, 24-25 under 35 U.S.C. 102(e) as being anticipated by Mardinian [US 6,868,117 B1] have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.
2. Since Applicants have not provided the mapping of claims as requested by Examiner in the previous Office action, the Applicants' response in this context is considered incomplete. Therefore, the rejection of claims 1, 3-9, 11-15, 17-19, 21-22 and 24-25 under 35 U.S.C. 112, second paragraph, is maintained.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3-9, 11-15, 17-19, 21-22 and 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The specification discloses multiple paths and multiple signals.

Examiner has difficulty to map the claimed components/paths/signals to the specification. For example, Examiner fails to find support from the specification for the claimed first and second communication paths, first communication signal, and second communication signal in claim 1?

Note, claim 1 recites first communication signal being received and transmitted by the claimed coupling device. It is unclear where the specification explains the first communication signal can be both "receive" and "transmit" at the same time. Examiner can not map out the above claimed limitations onto Figure 2B. Also, what are the claimed first and second communication signals recited in claim 11 ? What are the claimed third and fourth communication paths recited in claim 13 ?

5. Examples: To facilitate the mapping of claims, examples of the claims to be filled in using reference numerals from figures below:

Claim # 1: A communication coupling () comprising:

a first communication port () operable to communicate with a network component (), the first communication port () having first () and second () paths of communication; and

a switch () coupled with the first communication port , the switch having a first position () in which the first communication port is operable to receive a first communication signal () from the network component using the first path () of communication and is operable to transmit a second communication signal () to the network component using the second path of communication , and a second position () in which the first communication port is operable to receive the first communication signal from the network component using the second communication path and is operable to transmit the second communication signal to the network component using the first communication path.

Claim # 11: A communication coupling (), comprising:

a first communication port () having first () and second () paths of communication with a network component (), and operable to receive a first communication signal () from the network component using the first path of communication;

a second communication port () operable to transmit the first communication signal to a communication system ();

a third communication port () operable to receive a second communication signal () from the communication system; and

the first communication port further operable to transmit the second communication signal to the network component using the second path of communication;

wherein the first communication signal includes a first frequency band and a second frequency band; and

further comprising a filter () operable to separate the first frequency band from the second frequency band.

Claim # 17: A method for distributing first () and second ()

communication signals, comprising:

receiving the first communication signal at a communication coupling () using a first path () of communication between the communication coupling and a network component () ;

transmitting the first communication signal from the communication coupling to a communication system () ;

receiving the second communication signal at the communication coupling from the communication system ; and

transmitting the second communication signal to the network component using a second path () of communication between the communication coupling and the network component;

wherein the first communication signal includes a first frequency band and a second frequency band; and

further comprising separating the first frequency band from the second frequency band.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (571) 272-7529. The examiner can normally be reached on M-TH (8:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated

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information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramnandan Singh
Examiner
Art Unit 2614

A handwritten signature in black ink, appearing to read 'RNP.D', with a long horizontal flourish underneath.